



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

JAN - 9 2001

400 Seventh St., S.W.  
Washington, D.C. 20590

Mr. David Teames  
Design Manager  
Green Bay Packaging Inc.  
7901 S. Freeway  
Fort Worth, TX 76134

Ref No. 00-0152

Dear Mr. Teames:

This is in response to your letter requesting clarification of the requirements for certification of a UN standard packaging under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you inquire whether a deliberate  $\frac{1}{8}$ " increase in depth in the dimensions of an outer packaging would constitute a new design under § 178.601(c)(4) and would, and therefore, require qualification testing. You enclosed a letter from the packaging assembler who assumes responsibility as the manufacturer of the packaging. In the letter, the manufacturer of the packaging states that this modification is not considered a different packaging under the HMR.

The manufacturer is incorrect. Under the HMR, the manufacturer identified on the packaging has the responsibility to ensure that the packaging meets the UN standard to which it is certified. As set forth in § 178.601(c)(4), a change in structural design, size, material of construction, wall thickness or manner of construction is a different packaging. The only variances allowed are those set forth in § 178.601(c)(4)(i) through (vi) and § 178.601(g). Therefore, any intentional increase in the dimensions of a packaging would be considered a different packaging and, therefore, require design qualification testing.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



000152

178.601

Edward Mazzullo,

MY NAME IS DAVID TEAMES WITH GREEN BAY PKG. IN FORT WORTH. I HAVE A CUSTOMER THAT WE MAKE HAZ MAT BOXES FOR. THE CUSTOMER RECENTLY HAD HIS BOX RE-CERTIFIED. LAST WEEK, HE CONTACTED ME AND ASKED IF HE INCREASED HIS DEPTH OF HIS BOX BY 1/8 OF INCH IF HE HAD TO RE-CERTIFY. I SENT HIM 178.601 (C) (4) (V). I SAID HE WOULD HAVE RE-CERTIFY. HE SENT ME THIS LETTER WHICH I AM SENDING, I WOULD APPRECIATE YOUR RULING ON THIS.

THANKS DAVID TEAMES



David Teames  
DESIGN MANAGER  
DIRECT 817-551-9168



Green Bay Packaging Inc.

FORT WORTH CONTAINER DIVISION  
7801 E. CREEWAY - FORT WORTH, TX 76124  
P.O. BOX 303 - FORT WORTH, TX 76101

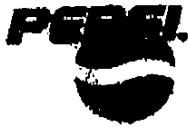


Registered Firm  
for all international trade  
Certified 2004-07

PHONE 817-551-1234  
FT WORTH TEXAS

E-mail: dteames@gbp.com  
FAX 817-551-2107

MCIRG 817-472-5411  
DALLAS, TEXAS



## HAZMAT DEPARTMENT

330 Columbus Avenue, Yonkers, NY 10595

05/02/2000

TO: Larry Stanley - A&A Box Co.

RE: Pepsi Carton 175ARL, 2x1 gallon glass

The proposed changes in the carton internal dimensions do not take the carton beyond the specifications noted in the UN certificate. The dimensions in the UN certificate are outside dimensions. These are not a very accurate dimension, as they will vary depending on how you measure them on a carton. (At the top / middle / bottom / side w/mfg joint / side w/o mfg. joint.)

The reason that outside dimensions are listed is for a quick compliance check by field staff. This permits checks of cartons in shipment without opening them and cutting holes in the side to check internal dimensions.

Cartons are made to internal dimensions not outside dimensions, as you well know, since this is what controls the package fit in the carton.

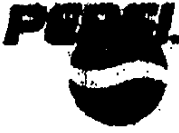
Nominally cartons have a +/- of 1/8 in on dimensions. If you measure the Outside Dimensions of the carton you will find we are within that 1/4 in float.

The section that you refer to in the regulations 49 CFR 178.601 is an often-quoted one, but usually in error. Reviewing it you will see that Sec (c) (4) refers to all packaging in general. If taken at face value, no package manufacturer can ever make all of the packages identical to the decimal each time. (Not plastic or metal or corrugated.)

*(c)(4) A different packaging is one that differs (i.e. is not identical) from a previously produced packaging in structural design, size, material of construction, wall thickness or manner of construction but does not include:*

What the intent of the regulations are; is to force manufactures to manufacture cartons in the tested size and not use the certificate to make several different sizes. If you manufacture using due diligence and are prepared to defend the position for compliance as the variations occur, there should be no issue. The use of cartons that are different by a non-debatable measure would be in non-compliance. (IE: Something larger than the normal manufacture float.)

For example with a corrugated carton, you cannot guarantee that all of the cartons will have the same caliper as originally tested or the same basis weight or the same ECT. You may



## HAZMAT DEPARTMENT

350 Columbus Avenue, Valhalla, NY 10585

be close, but you will never make 100% of the production the same as what was tested originally. This is a fact of the corrugated manufacture process.

The section that is often missed by manufactures of packaging, (corrugated suppliers), that are used by package manufactures, (Pepsi), is the following. 49 CFR 178.601 (b)

*(b) Responsibility. It is the responsibility of the packaging manufacturer to assure that each package is capable of passing the prescribed tests. To the extent that a package assembly function, including final closure, is performed by the person who offers a hazardous material for transportation, that person is responsible for performing the function in accordance with §§173.22 and 178.2 of this subchapter.*

What this says is that Pepsi is responsible for compliance of the package, we have chosen to accept the normal +/- tolerances as still meeting the performance criteria. There is no guidance as to what +/- is acceptable in the regulations. We are providing you with a specification that requests an internal dimension for the carton. What we are changing is the internal dimensions adding 1/8 " in some of them. You cannot perform the compliance checks, as you do not have bottles, closures, etc.

If you disagree with this, we can re-cert, but the new samples may be returned with the same listed dimensions; it all depends on what the lab measures.

Gregory Sutherland

171.1